

INITIAL STATEMENT OF REASONS

a. Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Table of Contents

Specific Purpose:

This section's heading is amended to reflect the repeal of the Statewide Fingerprint Imaging System (SFIS).

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code (WIC) section 10830, as amended by Senate Bill (SB) 89 (Chapter 24, Statutes of 2017). SB 89 repealed the use of the SFIS because it no longer exists; therefore, removing references to the system eliminates information that would be confusing.

Section 40-026

Specific Purpose:

This section repeals the requirement for applicants to comply with SFIS as an eligibility requirement to receive California Work Opportunity and Responsibility to Kids (CalWORKs) benefits.

Factual Basis:

This amendment is necessary to comply with WIC section 10830(g)(2), as adopted by SB 89 (Chapter 24, Statutes of 2017). SB 89 repealed the use of SFIS because it no longer exists; therefore, removing references to the system eliminates information that no longer applies.

Section 40-105.3

Specific Purpose:

This section is being amended to implement the identity verification method for the CalWORKs program per WIC section 10831. Currently, no regulations exist for this statutorily required policy.

Factual Basis:

This adoption is necessary to implement WIC section 10831 and to provide a heading for the guidance that follows. The guidance for the identity verification method has several components and requires an introductory heading.

Section 40-105.31

Specific Purpose:

This section is being amended to repeal the requirement for fingerprint and photo images and instead require applicants to present photo identification as a condition of eligibility.

Factual Basis:

This section necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89. These sections required the California Department of Social Services (CDSS) to repeal the use of SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by the County Welfare Departments (CWDs). All adult CalWORKs applicants, with limited exceptions, must present photo identification to complete the application and eligibility determination process.

Section 40-105.32

Specific Purpose:

This section is being amended to repeal the requirement for fingerprint and photo images for specified applicants and instead require photo identification as a condition of eligibility.

Factual Basis:

This section is necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89. These sections require CDSS to repeal the use of SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.33

Specific Purpose:

This section is being amended to repeal the exemption of SFIS for specified persons and instead require the exemption of photo identification as a condition of eligibility for non-minor dependents, non-needy caretaker relatives applying for relative foster children, and applicants who are already known to the Statewide Automated Welfare System (SAWS) (i.e., have already gone through the SFIS process) and have a photo identification in their case file.

Factual Basis:

This section is necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89, and to be consistent with existing program rules. These sections require CDSS to repeal the use of SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.34

Specific Purpose:

This section is being adopted to require CWDs to issue aid prior to the applicant presenting photo identification under specified circumstances.

Factual Basis:

This section necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89, and to be consistent with existing program rules. These sections required CDSS to repeal the use of SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.341

Specific Purpose:

This section is being adopted to require CWDs to issue aid prior to the applicant presenting photo identification, when the applicant is in immediate need of benefits. Eligibility and verification of identity must be determined within 15 working days from the request date for the Immediate Need payment.

Factual Basis:

This section is necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89, and to be consistent with existing program rules. These sections require CDSS to repeal the use of the SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.342

Specific Purpose:

This section is being adopted to require CWDs to issue aid prior to the applicant presenting photo identification when the applicant applies remotely through telephonic or other electronic means. The applicant must present photo identification in person within 15 working days for benefits to be continued.

Factual Basis:

This section is necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89, and to be consistent with existing program rules. These sections require CDSS to repeal the use of SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.343

Specific Purpose:

This section is being adopted to require CWDs to issue aid prior to the applicant presenting photo identification, when acceptable photo identification does not exist

and the applicant has submitted a sworn statement under penalty of perjury regarding identity. Applicants must present photo identification in person within 15 working days for benefits to be continued. Aid shall be continued if the applicant presents evidence of good-faith efforts to obtain photo identification.

Factual Basis:

This is necessary to comply with Welfare and Institutions Code sections 10830(g)(2) and 10831(a) as adopted by SB 89, and to be consistent with existing program rules. These sections required the CDSS to repeal the use of the SFIS and implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.35 (Repeal)

Specific Purpose:

This section repeals the requirement to not deny aid to an otherwise eligible assistance unit because of technical problems with SFIS. This section also repeals the requirement for applicants to complete the SFIS requirement at a mutually agreed upon time within 60 days of the initial attempt.

Factual Basis:

This section is necessary to comply with WIC section 10830(g)(2), as adopted by SB 89. This section requires CDSS to repeal SFIS because it no longer exists; therefore, removing references to the system eliminates information that would be confusing.

Section 40-105.35 (Adopt)

Specific Purpose:

This section is being adopted to provide examples of acceptable forms of photo identification. Acceptable photo identification includes, but is not limited to: driver's license, photo identification (from school, government agency, etc.), passport, or documents from the United States Citizenship and Immigration Services (USCIS).

Factual Basis:

This section is necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89. These sections require CDSS to repeal the use of SFIS and implement and maintain an automated, nonbiometric identity verification method in

the CalWORKs program. The new method requires the verification of the identity of all adult applicants in person, with limited exceptions, by CWDs. With limited exceptions, all adult CalWORKs applicants must present photo identification to complete the application and eligibility determination process.

Section 40-105.36

Specific Purpose:

This section is being adopted to require CWDs to pay third party fees when it has been determined the applicant has made a good faith effort to obtain evidence and the third party imposes a fee to obtain the evidence.

Factual Basis:

This is necessary to comply with WIC section 11275.10(b), which state that for the CalWORKs program, if necessary to pay a fee imposed by a third party to obtain the verification, the CWD shall pay that fee on behalf of the applicant or recipient.

Section 40-105.37

Specific Purpose:

This section is being amended to repeal the reference to SFIS and to clarify that photo identification information shall be considered confidential, may not be used for any purpose other than the prevention or prosecution of fraud, and CWDs must inform all persons required to provide photo identification that the images will be used only for prevention or prosecution of welfare fraud.

Factual Basis:

This section is necessary to comply with WIC section 10850(a), which states that, "Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of that program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of that program."

Section 40-171.221(k)

Specific Purpose:

This section is being amended to require denial of aid if photo identification is not provided by any person required to do so.

Factual Basis:

This is necessary to comply with WIC sections 10830(g)(2) and 10831(a), as adopted by SB 89. The bill repealed the use of SFIS and required CDSS to implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. CWDs are now required to verify the identity of all adult applicants in person, with limited exceptions.

Section 80-301(f)(2)

Specific Purpose:

This section is being repealed to remove obsolete program regulations about SFIS requirements. Applicants are no longer required to be fingerprinted.

Factual Basis:

This amendment is necessary to remove the reference to the SFIS requirements, which was repealed by SB 89. The SFIS no longer exists, so removing references to the system eliminates information that would be confusing. Clients are no longer required to comply with the SFIS, so there is no longer a need to define fingerprint imaging as discussed in this section.

Section 80-301(p)(2)

Specific Purpose:

This section is being repealed to remove obsolete program regulations about SFIS requirements. Applicants are no longer required to be photo imaged.

Factual Basis:

This amendment is necessary to remove the reference to SFIS requirements, which was repealed by SB 89. SFIS no longer exists; therefore, removing references to the system eliminates information that would be confusing. Clients are no longer required to comply with SFIS; therefore, there is no longer a need to define photo imaging as discussed in this section.

Section 80-301(s)(10)

Specific Purpose:

This section is being repealed to remove obsolete program regulations about SFIS requirements. Use of the SFIS has been repealed.

Factual Basis:

The repeal of this section is necessary to comply with WIC section 10830(g)(2), as adopted by SB 89. Prior to the enactment of SB 89, applicants were required to submit fingerprint and photo images as part of the eligibility determination process. These images were stored in a statewide database. As SFIS no longer exists, removing references to the system eliminates information that would be confusing.

Section 80-301(s)(10 – 13) is renumbered from Section 80-301(s)(11 – 14)

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 80-301(s)(11), (12), (13), and (14) to Sections 80-301(s)(10), (11), (12), and (13), respectively, to maintain proper numerical sequencing for clarity.

b. Identification of Documents Upon Which Department Is Relying

SB 89 (Chapter 24, Statutes of 2017), Sections 15 and 16.

c. Local Mandate Statement

These regulations do not impose a mandate upon local agencies. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the GC because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

d. Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider alternatives because SB 89, Section 15 repeals the SFIS requirement in WIC section 10830. CDSS is legally bound to repeal regulations for this WIC section.

In addition, SB 89, Section 16 and WIC section 10831 require CDSS to implement and maintain an automated, nonbiometric identity verification method in the CalWORKs program. CDSS is legally bound to develop regulations for this WIC section.

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e. Statement of Significant Adverse Economic Impact on Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the regulations only affect individuals applying for the CalWORKs program.

f. Economic Impact Assessment

In accordance with GC section 11346.3(b), CDSS has made the following assessments regarding the proposed emergency regulations. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

The proposed regulations include the repeal of SFIS and requirements for a new identity verification method for the CalWORKs program.

Creation or Elimination of Jobs Within the State of California

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California. The justification for this statement is that the proposed regulations implement the above-mentioned statutes and only affect individuals applying for the CalWORKs program.

Creation of New or Elimination of Existing Businesses Within the State of California

The adoption of the proposed regulations will neither result in the creation of new businesses nor elimination of existing businesses in the State of California. The justification for this statement is that the proposed regulations implement the above-mentioned statutes and only affect individuals applying for the CalWORKs program.

Expansion of Business Within the State of California

The adoption of the proposed regulations will not result in the expansion of businesses in the State of California. The justification for this statement is that the proposed regulations implement the above-mentioned statutes and only affect individuals applying for the CalWORKs program.

Benefits of the Regulations

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The amended and adopted regulations will increase the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact to the state. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals applying for the CalWORKs program.

Documents Relied Upon

SB 89 (Chapter 24, Statutes of 2017), Sections 15 and 16.

g. Benefits Anticipated from Regulatory Action

The amended and adopted regulations will improve client experience, thus, increasing the likelihood of stable families moving towards self-sufficiency and resulting in a positive economic impact to the state, while also improving identity verification and preventing duplicate aid.

h. Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.